IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA
SITTING IN ITS OCTOBER TERM, A.D. 2025

BEFORE HIS HONOR: YAMIE QUIQUI GBEISAY, SR ……..……..CHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.……ASSOCIATE JUSTICE
BEFORE HIS HONOR: YUSSIF D. KABA…….……..ASSOCIATE JUSTICE
BEFORE HER HONOR: CEAINEH D. CLINTON JOHNSON…….....ASSOCIATE JUSTICE
BEFORE HIS HONOR: BOAKAI N. KANNEH……..…….....ASSOCIATE JUSTICE

The Management of Samaritan's Purse, International, by and thru its General Manager, and all its Officers and Personnel working within said organization, of the City of Monrovia, Liberia ……..……1st Appellant	
AND	
Sylvester Nyanigbaye, an employee of Samaritan's Purse, Int'l., also of the City of Monrovia, Liberia…….2nd Appellant	APPEAL
VERSUS	
Captain Joseph D. Moulton, of the City of Monrovia, Liberia ……..…… Appellee	
GROWING OUT OF THE CASE:	
Captain Joseph D. Moulton, of the City of Monrovia, Liberia ……..……..……..…….Plaintiff	
Versus	ACTION OF DAMAGES FOR WRONG
The Management of Samaritan's Purse, International, by and thru its General Manager, and all its Officers and Personnel working within said organization, of the City of Monrovia, Liberia ……..……1st Defendant	
AND	
Sylvester Nyanigbaye, an employee of Samaritan's Purse, Int'l., also of the City of Monrovia, Liberia……..…… 2nd Defendant	

Heard: January 5, 2026 Decided: February 12, 2026

MR. CHIEF JUSTICE GBEISAY DELIVERED THE OPINION OF THE COURT.

This appeal emanates from the final ruling of the Civil Law Court, Sixth Judicial Circuit for Montserrado County, sitting in its March Term, A. D. 2011, presided over by His Honor Peter W. Gbeneweleh, Assigned Circuit Judge. The court, on May 20, 2021, having entertained argument *pro et con* into the appellee's action of damages for wrong, filed against the first

and second appellants, ruled, holding the defendants/appellants liable to the plaintiff/appellee.

The facts culled from the records reveal that on October 16, 2009, the appellee, plaintiff in the court below, Captain Joseph D. Moulton, an Immigration Officer of the Liberia Immigration Service, filed before the Civil Law Court, Sixth Judicial Circuit for Montserrado County, an action of damages for wrong against the defendants, Samaritan's Purse, International, and Sylvester Nyanigbaye, an employee of the Samaritan's Purse, International. The appellee alleged principally that, on June 2, 2008, while on his regular assignment at the Gbarma Check-Point, in Gbarpolu County, the 2nd appellant, Sylvester Nyanigbaye, an employee of the 1st appellant, Samaritan's Purse, International, arrived at the gate being manned by him, the appellee, on a motor-bike owned by the 1st appellant, but operated by the 2nd appellant; that while the appellee was in the process of lowering the chain of the gate in his normal course of work, the 2nd appellant, not exercising patience and due care, recklessly, willfully and negligently drove through said gate at such terrific speed with the motor-bike, that the chain of the gate being lowered by the appellee, hooked one of the fingers of the appellee thereby cutting it off completely.

The appellee further averred that consequent of the failure and neglect of the appellants to provide needed funding to care for his hurt and nurse his injury at a medical facility, he managed to get treated at the Duazon Hospital, and is contending with an outstanding medical bill of One Thousand, Six Hundred Ten United States (US$1,610.00) Dollars; that as the result of the accident, he underwent a number of painful surgical operations resulting to metal and emotional suffering, especially, being abandoned by the appellants, and incapacitating him to fully cater to his family, more importantly his school-going children; and that under the doctrine of "respondeate superior", the employer of Sylvester Nyanigbaye, Samaritan's Purse International, is liable for the wrongful act of its employee. The appellee therefore prays the trial court to award him the amount of Ten Thousand United States (US$10,000.00) Dollars as special damages, and general damages in an amount not less than One Hundred and Fifty Thousand United States (US$150,000.00) Dollars. The appellee attached to his complaint photo copies of photo of his wounded finger, and the medical bill under the signature of one Doctor Tamba S. Braima, Medical Director, Liberian Health Care Center, Dwahzon, with Medical License No. 495.

On October 30, 2009, the appellants filed a joint answer in which they denied the legal and factual sufficiency of the appellee's complaint. Notwithstanding the denial, the 1st appellant, Samaritan's Purse International, confirmed that the 2nd appellant, Sylvester Nyanigbaye, is its

employee but contends that it is not aware of events that formed the basis for the allegations contained in the appellee's complaint. The 1st appellant averred further that upon inquiry from the 2nd appellant, he denied ever driving recklessly through the gate but instead, the appellee, upon realizing that the motor-bike being operated by him, Sylvester, belongs to a nongovernmental organization, that is, the Samaritan's Purse, gave him the go ahead to pass through the gate; that in the process of the appellee lifting the gate to allow him, the 2nd appellant pass, the appellee did not exercise due care; hence, while driving through the gate with the motor-bike, the appellee complained that the rope of the gate had stuck thereby causing injury to the appellee's finger.

The 2nd appellant, further narrating in the joint answer, averred that when the incident occurred, he, on humanitarian basis, took the appellee to a hospital in Gbarpolu County where he received medical care at the expense of the 2nd appellant; that on more than one occasion he provided funds to the appellee for medical attention and also provided Fifty United States (US$50.00) Dollars to the appellee to assist with his daughter's school fees; that at trial, he would produce witnesses to testify to the effect; that the purported medical bill the appellee attached to his complaint is self-serving and intended to extort money from the defendants, in that, the accident occurred on June 2, 2008, in Gbarpolu County where they both live and that the appellee attended clinic more than one week at the expense of the 2nd appellant; hence, how could he at the same time be hospitalized at a health facility in Dwahzon, outside Gbarpolu County.

Also contending in the joint answer, the 1st appellant, Samaritan's Purse, International, maintained that for the doctrine of respondeate superior to lie, the appellee must prove that the 1st appellant was acting within the scope of his duty when the accident occurred, or the act complained of must be of benefit to the employer; therefore, the appellee's claim should be denied by the trial court; that the amount of Ten Thousand United States (US$10,000.00) Dollars being demanded as special damages has no basis in law as same is not supported by any evidence, and that general damages of not less than One Hundred and Fifty Thousand United States (US$150,000.00) Dollars, is not tenable in law because that does not commensurate with the injury complained of; therefore, the complaint should be denied in its entirety.

On November 7, 2009, the appellee filed reply to the appellants' joint answer denying the assertions contained therein, and confirming all the averments of his complaint; and further gave notice that he would, at trial, produce witnesses and provide evidence to support his claims.

Pleadings having rested, and all pretrial formalities exhausted, the case was ruled to trial on its merits. The appellee filed a motion to waive jury trial, and the appellants interposed no objection thus imposing upon the trial judge the duty to sit as both the trier of the law and facts. When the case was called for hearing, the appellee produced two witnesses: Captain Joseph D. Moulton, the appellee, and Sergeant Jesse Yangley of the Liberia Immigration Service. While the appellants also produced two witnesses: Sylvester Nyanigbaye, the 2nd appellant, and Elder Ulysses Barchue, the Administrator of the Liberia Healthcare Center. The parties having provided testimonies to support their claims and counter claims as to what transpired on June 2, 2008, at the Immigration Checkpoint in Gbarma, Gbarpolu County, and further admitting into evidence documents thereto, the trial court, sitting in its March Term, A.D. 2011, precisely on May 20, 2011, ruled, holding the appellants liable to the appellee for the injury he sustained at the instance of the 2nd appellant, and awarded the appellee One Thousand, Six Hundred Ten United States (US$1,610.00) Dollars as special damages, and Fifteen Thousand United States (US$15,000.00) Dollars as general damages. The parties not being in agreement with the final ruling, noted exception, announced appeal to this forum, and thereafter, filed their respective bills of exceptions.

The appellee, in his three-count bill of exceptions, assigned as error basically, the trial judge's decision to reduce the amount prayed for as general damages in his complaint; ignoring the fact that the appellee could no longer function normally as the result of the accident caused by the 2nd appellant, coupled with the severe pain and suffering he endured. The appellants, on the other hand, filed a seven-count bill of exceptions, but this Court will address itself to those alleged errors it finds germane to the determination of the dispute, on the principle that the Supreme Court need not address all the issues raised in the bill of exceptions except those relevant to the resolution of the matter. *Sadia Louise Dennis-Sawyer, et al v. Doris Edna Dennis Barbel, et al*, Supreme Court Opinion, March Term, A. D. 2024; *Tom Harris v. David Woah, et al,* Supreme Court Opinion, March Term, A.D. 2024; *Central Bank of Liberia v. TRADEVCO,* Supreme Court Opinion, October Term, A.D. 2012. In consonance of the above quoted principle of law, we have determined, therefore, that counts 1, 3 and 6 reflect the appellants' primary contention as to the logical conclusion of the case.

In count 1 of the appellants' bill of exceptions, they alleged that the trial judge committed a reversible error when he awarded the appellee special damages, the appellee having failed to prove by evidence that he incurred said amount on medical treatment. A review of the records shows that the appellee attached to his complaint a medical bill in the amount of One Thousand, Six Hundred Ten United States (US$1,610.00) Dollars allegedly obtained from the

Liberian Healthcare Center in Dwahzon, which was also admitted into evidence when he took the witness stand. However, in addressing the issue of the alleged medical bill, defendants' second witness, Elder Ulysses Barchue, Administrator of the Liberian Healthcare Center, where the appellee alleged to have gone under medical treatment and obtained said bill, did not only reject the appellee being a patient at his medical facility, but also informed the trial court that some of the services listed on the purported bill are not provided at said facility, and that the bill could not be without the facility's letterhead as the one under review; sharply contradicting the appellee's assertion. For the benefit of this Opinion, we quote relevant excerpts of witness Barchue's testimony:

On the direct examination, the witness was asked:

Q. "Mr. witness, before taking the witness stand in these proceedings, have you seen any document associated with this case"?

"Yes, I saw one document that was brought to my office by a gentleman from Samaritan's Purse".

Q. Mr. Witness, …would you please look at this document and say to this court whether or not it is the same document you saw relating to this case"?

A. "Yes, this is the same document".

Q. "Mr. Witness, the document marked P – 1 in bulk has several information including services and charges, can you please peruse that document and confirm whether or not those services and the accompanying charges are provided at your facility"?

A. "First of all I see a bill, billed to Mr. Joseph D. Moulton on June 4. I went back to our registration records as far as 2008, I did not see any registration for Mr. Moulton, he never visited our healthcare center; June 5, 2008, I see laboratory investigation and I went back to my laboratory technician who is still in the employ of our institution, and he brought those records that I have with me and I didn't see anything pertaining to Mr. Joseph Moulton. More besides, June 5, I see radiographic X-ray, as a matter of fact, it's a community clinic we do not have a single X-ray machine in our facility.

The witness, continuing on the direct examination provided thus:

June 4 – 15, 2008, I see medication, dressing materials and I want to say to you, our clinic is community based, it is highly subsidized by our international mission so, our drugs won't be

as high as this and when it comes to surgery, our operation room is not opened yet; I see hospitalization and lodging, if you are in our clinic for short stay, we don't cook, we don't give food…and June 15 – 23, I see physiotherapy, we don't have anything like that in our facility, and I don't think this paper came from our facility, even if it were copied on our letterhead."

On the cross examination, the witness also provided the following:

Q. "As a medical director at the clinic is it a part of your responsibility that Dr. Braima reports to you on every activity that he carries out at the hospital"?

A. "Yes Sir".

Q. "Is it possible that Dr. Braima could also treat somebody as a private patient, is it possible"?

A. "Once it is in our facility, I will say no".

Q. "Mr. Witness, if the invoice that you testified to was intended for your clinic, any payment therefrom or against such invoice will be made payable to your center, is that correct"?

A. "Yes Sir".

The above testimony by the defendants' second witness, as damaging and contradicting it is to the appellee's interest, was never rebutted by the appellee neither his counsel, wherein the appellee could have requested the trial court to subpoena or invite the alleged attending physician, Dr. Tamba Braima, to testify to the authenticity of said document (medical bill) which was issued under his signature and license number. Moreover, this Court also notes that, it is common knowledge that an invoice, whether a proforma or payment, same is printed on the letterhead of the entity making such request for payment or the issuance of the proforma; that it is also a known and acceptable best practice that payment for services rendered by institutions, in this case, the Liberian Healthcare Center, is made to the institution and not the individual performing the service on behalf of the institution as the appellee and his alleged physician would want this Court to believe. We are therefore bewildered that the trial judge, sitting at both the trier of facts and law, would ignore these glaring inconsistencies and award the appellee special damages, not proved. It is the law that special damages are not speculative, neither presumed, but must be specifically pleaded and proved. In the case: *Intrusco Corp. v. Osseily,* 32 LLR 558 (1985), the Supreme Court held that "special damages must be specially pleaded and specifically proved at the trial by the preponderance of the evidence upon which the trial jury may base its verdict". Case in accord: Inter-Con Security et al v. Bartuah, 40 LLR 361 (2001). It is therefore the holding of this Court that the appellee

having failed miserably to prove the special damages prayed for by the preponderance of evidence, it was error for the trial judge to grant and award same.

The appellants also attached as error, in count 3 of their bill of exceptions, the trial judge's decision to award the appellee general damages, the appellee not having adduced evidence to establish that the injury of the appellee was caused by the act or conduct of the 2nd appellant, Sylvester Nyanigbaye. However, we shall address this issue later on in this Opinion for reason that we have observed that the analysis of count 6 of said bill of exceptions will aid our decision for resolving count 3.

In count 6, the appellants accused the judge of committing a reversible error when he held that the only obligation of the appellee was to prove the occurrence of the act complained of as an injury or damage to person, without any proof that the 2nd appellant's conduct or act was the proximate cause of the injury.

In their brief and argument before this Court, the counsel for appellants argued strenuously that because the incident was never reported to the police for investigation in order to determine as to who was responsible for the accident that resulted into the injury, liability should not attach to them, instead, it was the appellee's failure to exercise due care that resulted into the injuring of his finger. Further, the 2nd appellant, Sylvester Nyanigbaye, also contended in their joint answer to the appellee's complaint that whatever assistance he provided to the appellee was purely on humanitarian basis. We disagree. The 2nd appellant, in his testimony on direct examination before the court provided the following:

Q. "please tell this court, Mr. Witness, how you got acquainted with the plaintiff"?

A. "It was on the second of June, 2008, when I was travelling from our office to [from] Bopolu to Gbarma that I encountered Brother Joseph Moulton, an Immigration Officer".

Q. "Where did you encounter him"?

A. "I met him at the checkpoint in the entrance to Gbarma".

Q. "What happened at the checkpoint"?

A. "At the checkpoint, when I got there, I made a momentary stop because I needed to inquire to obtain information to where I was going [because] it had been too long since I visited that area, and I talk to one Capt. Joseph Gbali and he ordered Brother Joseph Moulton to lower the rope so that I can cross on the motorbike".

Q. “And then what happened”?

A. “While in the process of crossing my front tire on the motorbike passed then I heard a scream and Brother Moulton said that I had hurt his finger”.

Q. “When you realized that his finger was cut what did you do”?

A. “I stopped immediately and I took him to the nearest medical area for treatment”.

Q. “Mr. Witness, when was the last interaction with the plaintiff relative to his injury”?

A. “After he got a little bit better, we got together to talk the matter on a family level; he brought in people from his side, and I also brought people from my side and we discussed the matter in Tubmanburg where it was finally resolved”.

From the above quoted testimony of Sylvester Nyanigbaye, the 2nd appellant and rider of the said motorbike, it is clear that the act or conduct of the 2nd appellant as he drove through the checkpoint was the proximate cause for the injury the appellee sustained on his finger on June 2, 2008, while discharging his duty. Reasoning will show further that apparently, while the twine of the gate was partially lowered, the 2nd appellant not observing, decided to drive through with the motorbike while the appellee still held unto the twine, thus causing the injury. Hence, the argument advanced by the appellants, through their counsel, that the cause of the injury the appellee suffered at the checkpoint is far removed from the act of the 2nd appellant, must crumble. Proximate Cause is defined as “a cause that is legally sufficient to result in liability; an act or omission that is considered in law to result in a consequence, so that liability can be imposed on the actor; a cause that directly produces an event and without which the event would not have occurred”. Black’s Law Dictionary, Ninth Edition, page 250.

We must state here also that the assertion made by the 2nd appellant that whatever assistance he rendered to the appellee during the course of his injury, was strictly humanitarian, is not tenable and cannot suffice. Assuming *arguendo* said gesture was humanitarian; the question deriving therefrom is, on whose behalf; did the appellee upon seeing him, the 2nd appellant, at the checkpoint request alms, since the 2nd appellant is a preacher of the gospel; was it also humanitarian when he rallied family members from both sides to resolve the matter on a “family level” in Tubmanburg, given his own testimony? We don’t think so. The 2nd appellant, having realized that his driving through the checkpoint in the manner he did, while the appellee yet held unto the twine in the process of lowering same, caused the injury to the appellee, conscience dictated that he took the wounded man to the clinic for treatment, which

he did. Indicative thereof, we decline to accept his assertions of charity and further hold that liability will attach.

We now proceed to address count 3 of the appellants' bill of exceptions in which they alleged that the trial judge's decision to award the appellee general damages, the appellee not having adduced evidence to establish that the injury of the appellee was traceable to the act or conduct of the 2nd appellant, Sylvester Nyanigbaye, was error. The Honorable Supreme Court has held that "damages is a pecuniary compensation or indemnity which may be recovered by a person who has suffered a loss, detriment, or injury, whether to his person, property or rights, through the unlawful act or omission or negligence of another. It is, in legal contemplation, the sum of money which the law awards or imposes as pecuniary compensation, recompense, or satisfaction for an injury done or a wrong sustained, as a consequence of either a breach of contract or a tortuous act. *Intrusco Corp. v. Osseily,* 32 LLR 558 (1985). The Court went further to espouse that "general damages are those which are the natural and necessary result of the wrongful act or omission asserted as the foundation of liability". *International Trust Co. v. Cooper-Hayes,* 41 LLR 48 (2002).

The appellants have vehemently contended that the injury suffered by the appellee is not traceable to the 2nd appellant because, according to them, the appellee failed to produce evidence that could establish the facts leading to the injury for damages to attach to the appellants. Holding this argument as is, we take recourse to the records to aid us in our decision. Our review of the records, especially the testimony of the 2nd appellant, the rider of the motorbike, shows a departure from the appellants' assertion in that, said testimony is self-explanatory and is without any element of doubt, that the said accident was caused by the act of the 2nd appellant on June 2, 2008. It is our holding, therefore, the award of damages to the appellee by the trial judge is consistent with the facts and the law controlling.

The 1st appellant, Samaritan's Purse, also advanced the argument in their joint answer to the appellee's complaint that, for the doctrine of respondeat *superior* to lie, the appellee must prove that when the incident occurred, the employee was acting within the scope of his authority, or the action complained of must have been in the direction of something to benefit the employer. To address this argument, we again revert to the records. In our investigation, the records reveal the following, provided by the 2nd appellant on the cross examination:

Q. "Mr. Witness, I take it that Bopolu was your place of assignment with the Samaritan's Purse, is that correct"?

A. "Yes".

Q. “So you were travelling on official business”?

A. “Yes”.

The foregoing statement provided by the 2nd appellant to the trial court while on the witness stand, in our opinion, removed the cloud and answered the question of whether or not the doctrine of *respondeat superior* would lie, and we answer in the affirmative attaching liability to the 1st appellant for the act of the 2nd appellant, its employee. The Supreme Court, addressing the issue being underscored, has held that “the owner of a vehicle is answerable for the negligent tort committed by its driver under the principle of *respondeat superior,* which holds the driver as the owner’s agent”. *LIBTRACO v. Perry,* 38 LLR 119 (1995). Further, *respondeat superior* is defined as the doctrine holding an employer or principal liable for the employee’s or agent’s wrongful acts committed within the scope of the employment or agency. Black’s Law Dictionary, Ninth Edition, page 1426.

To conclude this Opinion, we have deemed it necessary to address the primary issue of the appellee contained in his bill of exceptions, wherein he attached as error the trial judge’ failure to grant unto the appellee the amount prayed for as general damages having endured severe pain, mental anguish and emotional distress resulting from the injury sustained, and further ignoring that the fact that the appellee can no longer function normally at the instance of the 2nd appellant. This Court notes that from the records, the appellee did sustain injury as the result of the negligent act of the 2nd appellant, however, the award to be given by the court to the injured must be proportional to the injury suffered consistent with the evidence adduced at trial. Our review of the records and the evidence shown, the amount prayed for as general damages is disproportionate to the injury sustained. Moreover, in the absence of a medical report certifying that the appellee can no longer function normally as the result of the accident, we are not inclined to grant the request contained in the appellee’s prayer but to affirm the decision of the trial court with modification. It is the law that mere allegations are not proof, and factual allegations pleaded must be proven at the trial; for it is evidence alone which enables the court to determine with certainty the matter in dispute. *American Life Insurance Co. v. Holder*, 29 LLR 143 (1981). The Supreme Court of Liberia has also held that “for damages to be awarded, there must be some evidence of the damage or loss and the award must be somewhat proportionate to the actual damage sustained”. *International Trust Co. v. Cooper-Hayes,* 41 LLR 48 (2002).

Given all that has been said, we are inclined to affirm the trial judge’s final ruling with the modification that the appellee having not provided sufficient evidence to convince this Court

as to the authenticity of the alleged medical bill, same is denied. We further hold also that, the appellee not having produced a Medical Doctor to establish with precision, the extent of the injury sustained and its attending health consequences thereafter, the amount awarded to the appellee by the trial court as general damages, is reduced to Three Thousand, Five Hundred United States (US$3,500.00) Dollars.

WHEREFORE, AND IN VIEW OF THE FOREGOING, the final ruling of the trial court is affirmed with the modification that the medical bill is denied for lack of sufficient evidence to support same, and also reduced the amount awarded as general damages to Five Thousand United States Dollars (US$5,000.00) for failure of the appellee to produce a Medical Doctor to establish the extent of the injury sustained. The Clerk of the Court is ordered to send a Mandate to the court below commanding the judge presiding therein to resume jurisdiction over this case and give effect to the Judgment of this Opinion. Costs are ruled against the appellants. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING COUNSELLOR ALBERT S. SIMS OF THE JUSTICE PEACE AND ADVOCATES APPEARED FOR THE APPELLANT. COUNSELLOR OTHELLO G. KRUAH APPEARED FOR THE APPELLEE.

Affirmed.